



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Kathleen Clarke  
Executive Director

Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

April 6, 1999

CERTIFIED RETURN RECEIPT

P 074 976 678

Brent Sumsion  
Valley Asphalt, Incorporated  
1172 South Delmonte Road  
Spanish Fork, Utah 84660

Re: Formal Approval of Form and Amount of Reclamation Surety, Valley Asphalt, Inc., Lehi Quarry Mine, M/049/031, Utah County, Utah

Dear Mr. Sumsion:

On April 6, 1999, the Division Director formally approved the form and amount of reclamation surety for Valley Asphalt's Lehi Quarry mine. The reclamation surety in the amount of \$387,900 is in the form of a Surety Bond #~~237230~~ issued by American Home Assurance Company. The Division hereby grants its final approval of this project and the reclamation surety. The approval date has been filled in on page one of the surety bond.

Enclosed please find copies of the fully signed and executed Reclamation Contract (MR-RC) and surety bond (MR-5) forms for your files. Also enclosed is the original \$9,000 interim surety bond #~~100000~~ for your disposal or return to the surety company.

Thank you for your help and patience in finalizing this permitting action. Please call me if you have any questions in this regard.

Sincerely,

D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb

Enclosure: Original Surety Bond #~~100000~~, copy of MR-RC & MR-5  
M49-31.apv

*C.C. Angela Lawrence - Willis Caroon  
412-322-2200  
1 North Shore Center  
Pittsburg PA 15122*

Bond Number                       
Permit Number S/0497031  
Mine Name Allred's Project  
(Lehi Quarry)

### AFFIDAVIT OF QUALIFICATION

On the 30th day of October, 19 97, personally appeared before me William W. Beck who being by me duly sworn did say that he/~~she~~, the said William W. Beck is the Attorney-in-Fact of American Home Assurance Company and duly acknowledged that said instrument was signed on behalf of said company by authority of its bylaws or a resolution of its board of directors and said William W. Beck duly acknowledged to me that said company executed the same, and that he/~~she~~ is duly authorized to execute and deliver the foregoing obligations; that said Surety is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertaking and obligations.

Signed: William W. Beck

Surety Officer

William W. Beck

Title: Attorney-in-Fact

STATE OF Pennsylvania )

COUNTY OF Allegheny )

ss:

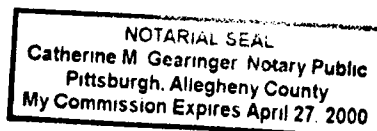
Subscribed and sworn to before me this 30th day of October, 19 97.

Catherine M Gearing  
Notary Public

Residing at: Pittsburgh, PA

My Commission Expires:

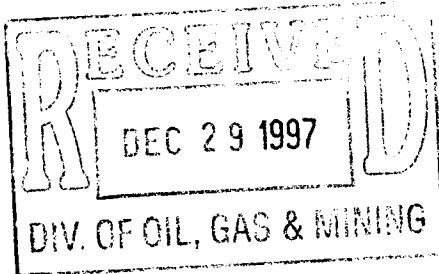
April 27, 19 2000



ATTACHMENT B

MR FORM 6  
Joint Agency Bonding Form

(June 10, 1996)



Bond Number Valley Asphalt  
Permit Number S/049/031  
Mine Name Allred's Project  
(Lehi Quarry)

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
Division of Oil, Gas and Mining  
1594 West North Temple Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
Telephone: (801) 538-5291  
Fax: (801) 359-3940

THE MINED LAND RECLAMATION ACT

SURETY BOND  
\*\*\*\*\*

*This bond  
released &  
returned to  
operator 4-6-99  
Bond was replace*

The undersigned Valley Asphalt, Inc. as Principal,  
and American Home Assurance Company as Surety, hereby jointly and severally  
bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah,  
Division of Oil, Gas and Mining, and the Utah School and Institutional Trustlands Administration  
in the penal sum of Nine Thousand and No/100 dollars  
(\$ 9,000.00).

Principal has estimated in the Mining and Reclamation Plan approved by the Division of  
Oil, Gas and Mining on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that 5 acres of land  
will be disturbed by this mining operation in the State of Utah.

A description of the disturbed land is attached as "Attachment A" to  
the Reclamation Contract of which this document is an integral part.

The condition of this obligation is that if the Division determines that Principal has  
satisfactorily reclaimed the disturbed lands in accordance with the approved Mining and Reclamation  
Plan and has faithfully performed all requirements of the Mined Land Reclamation Act, and  
complied with the Rules and Regulations adopted in accordance therewith, then this obligation shall  
be void; otherwise it shall remain in full force and effect.

If the Mining and Reclamation Plan provides for periodic partial reclamation of the  
disturbed lands, and if the lands are reclaimed in accordance with such Plan, Act and regulations,  
then Principal may apply for a reduction in the amount of this Surety Bond.

Bond Number ~~XXXXXXXXXX~~  
Permit Number S/-049/031  
Mine Name Allred's Project  
(Lehi Quarry)

In the converse, if the Mining and Reclamation Plan provides for a gradual increase in the area disturbed or the extent of disturbance, then, the Division may require that the amount of this Surety Bond be increased, with the written approval of the Surety.

This bond may be canceled by the Surety after ninety (90) days following receipt by the Division and Principal of written notice of such cancellation. Surety's liability shall then, at the expiration of said ninety (90) days, cease and terminate except that Surety will remain fully liable for all reclamation obligations of the Principal incurred prior to the date of termination.

Principal and Surety and their successors and assigns agree to guarantee said obligation and to indemnify, defend, and hold harmless the Division from any and all expenses (including attorney fees) which the Division may sustain in the collection of sums due hereunder.

Surety will give prompt notice to Principal and to the Division of the filing of any petition or the commencement of any proceeding relating to the bankruptcy, insolvency, reorganization, or adjustment of the debts of Surety, or alleging any violation or regulatory requirements which could result in suspension or revocation of the Surety's license to do business.

IN WITNESS WHEREOF, the Principal and Surety hereunto set their signatures and seals as of the dates set forth below.

VALLEY ASPHALT, INC.

Principal (Permittee)

October 30th, 1997

Date

By (Name typed):

President

Title

BRENT R. SUMSION

Signature

Surety Company

AMERICAN HOME ASSURANCE COMPANY

Company Officer

October 30th, 1997

Date

William W. Beck, Attorney-in-Fact

Title/Position

COUNTERSIGNED AT SALT LAKE CITY, UT

By

Kaylene Stonestreet  
Resident Agent

Signature

Page 3  
MR-6  
Joint Agency Surety Bond  
Attachment B

Bond Number ~~424242~~  
Permit Number S/049/031  
Mine Name Allred's Project  
(Lehi Quarry)

SO AGREED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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Dave D. Lauriski, Chairman  
Board of Oil, Gas and Mining

\*NOTE: Where one signs by virtue of Power of Attorney for a Surety Company, such Power of Attorney must be filed with this bond. If the Principal is a corporation, the bond shall be executed by its duly authorized officer.

KNOW ALL MEN BY THESE PRESENTS:

That American Home Assurance Company, a New York corporation, and National Union Fire Insurance Company of Pittsburgh, Pa., a Pennsylvania corporation, does each hereby appoint

—Richard S. Beck, William W. Beck, Robert J. Cawley, Jeffrey A. Frank, Paul B. Miller: of Pittsburgh, Pennsylvania—  
its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. have each executed these presents



this 3rd day of July, 1997.

*Donn Kolbeck*

Donn Kolbeck, Vice President  
National Union Fire Insurance Company of Pittsburgh, Pa.  
Assistant Vice President  
American Home Assurance Company

STATE OF NEW YORK }  
COUNTY OF NEW YORK }ss.

On this 3rd day of July, 1997, before me came the above named officer of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa., to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seals of said corporations thereto by authority of his office.

CAROL RAGAB  
Notary Public, State of New York  
No. 01RA5052011  
Qualified in Kings County  
Commission Expires Nov. 13, 1997

*Carol Ragab*

CERTIFICATE

Excerpts of Resolutions adopted by the Boards of Directors of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. on May 18, 1976:

"RESOLVED, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"RESOLVED, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance or other contract of indemnity or writing obligatory in the nature thereof.

"RESOLVED, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

I, Elizabeth M. Tuck, Secretary of American Home Assurance Company and of National Union Fire Insurance Company of Pittsburgh, Pa. do hereby certify that the foregoing excerpts of Resolutions adopted by the Boards of Directors of these corporations, and the Powers of Attorney issued pursuant thereto, are true and correct, and that both the Resolutions and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of each corporation

this 30th day of October, 1997.

*Elizabeth M. Tuck*

Elizabeth M. Tuck, Secretary



## ATTACHMENT A

**LEHI ROCK QUARRY - UTAH COUNTY, UTAH**  
**LEASE DESCRIPTION**  
 (See Exhibit B)

That portion of Section 16, Township 5 South, Range 1 West of the Salt Lake Base Meridian in the County of Utah, State of Utah, being in Northwest quarter of said Section, and being more particularly described as follows:

Commencing at the center of said section with State Coordinates  $X=1,873,604.8006'$   $Y=747,224.4221'$ ;  
 Thence West approximately 595 feet along the South line of the Northwest quarter of said Section to a point;  
 Thence North approximately 195 feet parallel to the East line of the Northwest quarter of said Section to the  
**POINT OF BEGINNING**;  
 Thence North 88 Degrees 54 Minutes 40 Seconds West 40.87 feet to a point;  
 Thence North 88 Degrees 29 Minutes 03 Seconds West 38.05 feet to a point;  
 Thence North 88 Degrees 36 Minutes 38 Seconds West 299.56 feet to a point;  
 Thence North 00 Degrees 38 Minutes 01 Seconds East 145.49 feet to a point;  
 Thence North 18 Degrees 51 Minutes 29 Seconds West 361.61 feet to a point;  
 Thence North 20 Degrees 40 Minutes 41 Seconds West 209.00 feet to a point;  
 Thence North 69 Degrees 45 Minutes 05 Seconds East 180.44 feet to a point;  
 Thence South 22 Degrees 48 Minutes 11 Seconds East 382.31 feet to a point;  
 Thence South 74 Degrees 13 Minutes 34 Seconds East 69.92 feet to a point;  
 Thence South 42 Degrees 20 Minutes 08 Seconds East 124.90 feet to a point;  
 Thence South 22 Degrees 05 Minutes 51 Seconds East 272.71 feet to a point;  
 Thence South 05 Degrees 59 Minutes 49 Seconds West 38.44 feet to the **POINT OF BEGINNING**,  
 containing 5.0 acres more or less

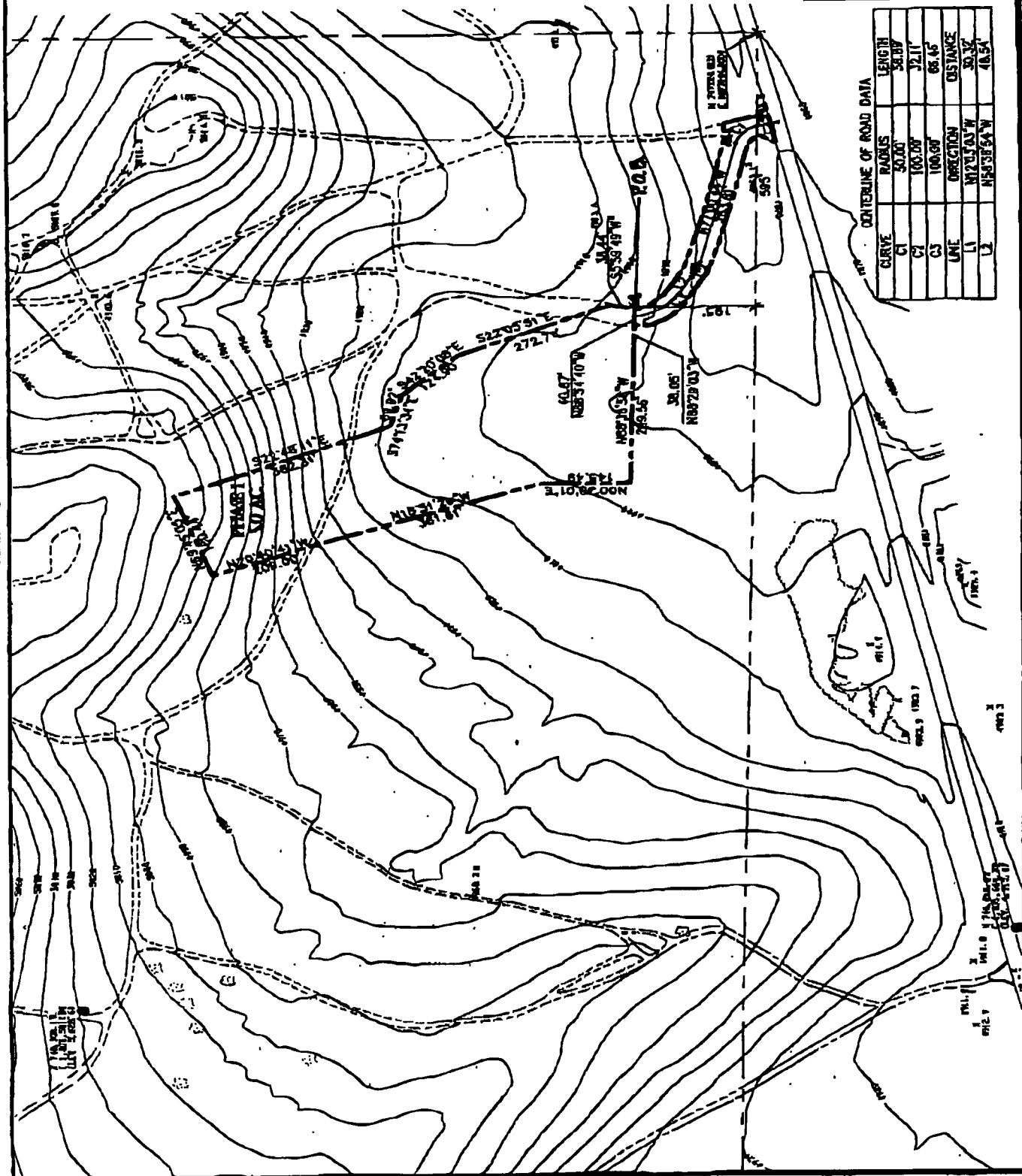
**INGRESS/EGRESS EASEMENT**

A 40-foot wide easement in the Southeast quarter of the Northwest quarter of Section 16, Township 5 South, Range 1 West of the Salt Lake Base Meridian in the County of Utah, State of Utah to provide ingress and egress between above described real property and Utah State Highway 75; the centerline of the 40-foot-wide easement being more particularly described as follows:

**BEGINNING** at a point on the centerline of State Highway 75, said point being approximately 196 feet Northwest of the center of said Section;  
 Thence North 12 Degrees 03 Minutes 03 Seconds West 30.32 feet to the beginning of a curve concave to the West, having a radius of 50 feet;  
 Thence northerly 56.69 feet along said curve through a central angle of 64 Degrees 57 Minutes 41 Seconds to a tangent line of said curve;  
 Thence North 77 Degrees 00 Minutes 44 Seconds West 263.81 feet to the beginning of a curve concave to the East having a radius of 100 feet;  
 Thence northerly 32.11 feet along said curve through a central angle of 18 Degrees 23 Minutes 50 Seconds to a tangent line of said curve;  
 Thence North 58 Degrees 36 Minutes 54 Seconds West 48.54 feet to the beginning of a curve concave to the East having a radius of 100 feet;  
 Thence northerly 86.46 feet along said curve through a central angle of 49 Degrees 32 Minutes 24 Seconds to a point in the South line of the above described property, said point being North 88 Degrees 54 Minutes 40 Seconds West 20.34 feet from the Southeast corner of the above described property.

# LEHI ROCK QUARRY - UTAH COUNTY, UTAH

## LEASE CALLS



CENTERLINE OF ROAD DATA

| CURVE | RADIUS      | LENGTH   |
|-------|-------------|----------|
| C1    | 50.00'      | 58.87'   |
| C2    | 100.00'     | 12.11'   |
| C3    | 100.00'     | 86.46'   |
| LINE  | DIRECTION   | DISTANCE |
| L1    | N17°03'31"W | 30.32'   |
| L2    | N50°56'54"W | 48.54'   |

**LEHI ROCK QUARRY**  
 LOCATED BY GRADE AND ROAD  
 UTAH, UTAH COUNTY, UTAH  
 LARGEST - 400,000' COVERED - 100,000'  
 UTAH ASPHALT, INC.  
 7401 South Arapahoe Road  
 Sparks Park, Utah 84660

| UTAH COUNTY | UTAH COUNTY | UTAH COUNTY |
|-------------|-------------|-------------|
| UTAH COUNTY | UTAH COUNTY | UTAH COUNTY |